

KC Garner, #13936  
Brian Wurtz, #11436  
Beehive Advocates  
10907 South State Street  
Sandy, Utah 84070  
Telephone: (801) 432-2975  
Facsimile: (801) 528-3092

Attorneys for Debtors

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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

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In re:	Case No. 21-21351
WILLIAM R. DUNCAN	Chapter 13
AMY D. DUNCAN	Judge: WILLIAM T. THURMAN
Debtors.	Filed Electronically

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**OBJECTION TO MOTION TO DISMISS**

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William and Amy Duncan ("Debtors"), by and through counsel, hereby object to the Motion to Dismiss (Docket Entry 13) filed by Quality Auto Finance, LLC ("Creditor") based on bad faith as serial filers and move the Court for an order: 1) denying the Motion to Dismiss; 2) allowing the case to proceed to confirmation with 180 day lockout language to protect creditors. In support thereof, Debtors represent as follows:

1. Debtors filed for Chapter 13 bankruptcy on April 2, 2021.
2. On April 20, 2021 Creditor filed a Motion to Dismiss

pursuant to 11 U.S.C. § 1307(c) for bad faith as serial filers (Docket Entry 13).

3. Debtors have attempted to resolve their financial issues by filing Chapter 13 cases beginning in 2017. In most of these cases, the Debtors were attempting to retain and pay for 2 vehicles, which caused the payments to be unsustainable with their income.
4. In addition to the high payments, Debtors have both struggled to maintain steady income during the prior cases, which caused them to fail out of previous cases early.
5. In the present case, Debtor now has access to a work vehicle, which has allowed the Debtors to attempt to keep and pay for one vehicle, which has reduced the monthly plan payment to an amount that fits in their budget.
6. Additionally, Debtors have obtained steady jobs in 2021, which will provide sufficient income to maintain the payments in the present case.
7. Debtors originally had two vehicles financed by Creditor, but have surrendered one vehicle back to Creditor, so there is only one vehicle at risk for Creditor.

8. Since Debtors have surrendered one vehicle previously and have made a good faith effort to succeed in this case by making the filing fee payment timely and paying the initial plan payment, Debtors believe a more equitable solution would be to allow the case to proceed to confirmation with protective language that would prevent the Debtors from filing a new case if the present case dismisses early.
9. Debtors request that if this case is allowed to proceed, that if the case is dismissed for any reason before the Debtors have made 6 months of plan payments *and* turned over to the Trustee any tax refunds required from their 2020 taxes, that the Debtors would be barred from refiling any case for 180 days from the dismissal.
10. Alternatively, if the Court deems it appropriate, Debtors would propose to surrender the vehicle to Creditor and be allowed to proceed in the case without that vehicle in the plan, with appropriate protective lockout language to protect other unsecured creditors.
11. Debtors believe allowing the case to proceed with the protective 180 day lockout language will allow the Debtors to move forward with the reorganization of debts that they need,

as well as protect and pay Quality Auto Finance and all of Debtors' other creditors.

THEREFORE, Debtors respectfully request that the Court enter an order denying Quality Auto Finance's Motion to Dismiss.

Dated this 7th day of May, 2021.

Beehive Advocates

/s/  
Brian Wurtz  
Attorney for Debtors